

Rec'd PCT/PTO - 3 NOV 2006

SLR:dm 11/03/06 6682-66957-02 607368 CGL02/0396US01

PATENT  
Attorney Reference No. 6682-66957-02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Rogers et al.

Application No. 10/533,414

Filed: April 29, 2005

Confirmation No. 4172

For: N-ACETYL-D-GLUCOSAMINE (NAG) SUPPLEMENTED FOOD PRODUCTS AND  
BEVERAGES

Examiner: Michael C. Henry

Art Unit: 1623

Attorney Reference No. 6682-66957-02

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

TO: Cathy Short  
Fax No. 703-305-3230  
PCT Help Desk--Filing Receipts  
U.S. Patent and Trademark Office  
(TOTAL PAGES TRANSMITTED: 10)

Three errors appear in the official Filing Receipt issued for the above-identified patent application, as follows:

- (1) The first-named Applicant should be added as follows: Brent Daniel Rogers
- (2) The Domestic Priority data as claimed by application should be amended as follows:


This application is a 371 of PCT/US03/34846 filed 10/31/2003  
which claims benefit of 60/423,119, filed 11/01/2002  
and is a CIP of PCT/US02/25121, filed 08/07/2002  
which claims benefit of 09/924,865, filed 08/08/2001

- (3) Under the heading Foreign Applications, the listing of "UNITED STATES OF AMERICA 60423,119 11/01/2002" should be deleted.

Attached hereto is a copy of the official Filing Receipt with the requested corrections shown thereon. Also attached are copies of the Preliminary Amendment and the Combined Declaration and Power of Attorney that were submitted to the Patent Office on April 29, 2005, both of which have the correct priority data listed. Additionally, the Combined Declaration and Power of Attorney was signed by all three inventors.

Please correct the identified errors and issue a corrected official Filing Receipt.

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number 703-305-3230 on the date shown below.

  
Sherec Lynn Rybak, Ph.D.  
Registration No. 47,913

November 3, 2006  
Date

cc: Docketing

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/533,414	04/29/2005	1623	1050	6682-66957-02		21	5

46395  
CARGILL, INCORPORATED  
LAW DEPARTMENT  
P. O. BOX 5624  
MINNEAPOLIS, MN 55440-5624

CONFIRMATION NO. 4172

## FILING RECEIPT

\*OC000000017034154\*

Date Mailed: 09/19/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) Brent Daniel Rogers  
Lawrence D. Fosdick, Oskaloosa, IA;  
John A. Bohlmann, Ottumwa, IA;

Power of Attorney: The patent practitioners associated with Customer Number 46395.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/34846 10/31/2003

## Foreign Applications

UNITED STATES OF AMERICA 60423,119

which claims benefit of 60/423,119, filed 11/01/2002  
and is a CIP of PCT/US02/25121, filed 08/07/2002  
which claims benefit of 09/924,865, filed 08/08/2001

Projected Publication Date: 12/22/2005

Non-Publication Request: No

Early Publication Request: No

## Title

N-acetyl-d-glucosamine (nag) supplemented food products and beverages



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File  
cont  
10-3-05

Preliminary Class

514

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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### LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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LMC/SILR:dm 04/27/05 369539  
PATENT

ESS Mail No. EV514612465US  
Date of Deposit: April 29, 2005  
Attorney Reference Number 6682-66957-02  
Application Number Currently unknown

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brent Daniel Rogers,  
Lawrence E. Fosdick, and John A. Bohlmann

Application No. Currently unknown

Filed: Herewith

Confirmation No. Currently unknown

For: N-ACETYL-D-GLUCOSAMINE (NAG)  
SUPPLEMENTED FOOD PRODUCTS  
AND BEVERAGES

Examiner: Not yet assigned

Art Unit: Not yet assigned

Attorney Reference No. 6682-66957-02

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PRELIMINARY AMENDMENT

Prior to examination of the above-identified patent application, please amend the application as follows to comply with national stage requirements.

Amendments to the Specification begin on page 2.

Remarks begin on page 3.

An Abstract is attached as a separate page at the end of this document.

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LMC/SLR:dm 04/27/05 369539  
PATENT

Business Mail No. EV514612465US  
Date of Deposit: April 29, 2005  
Attorney Reference Number 6682-66957-02  
Application Number Currently unknown

**Amendments to the Specification**

Please replace the paragraph beginning at page 1, line 5, with the following rewritten paragraph:

This is the U.S. National Stage of International Application No. PCT/US03/34846, filed October 31, 2003 (published in English under PCT Article 21(2)), which in turn ~~This~~ claims the benefit of U.S. Provisional Application No. 60/423,119, filed November 1, 2002, and is a continuation-in-part of PCT/US02/25121, filed August 7, 2002, which claims priority from U.S. Application No. 09/924,865, filed August 8, 2001, each of which is incorporated herein by reference.

Please insert the Abstract, submitted herewith on a separate page, as page 45 at the end of the application.

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PATENT

Express Mail No. EV514612465US  
Date of Deposit: April 29, 2005  
Attorney Reference Number 6682-66957-02  
Application Number Currently unknown

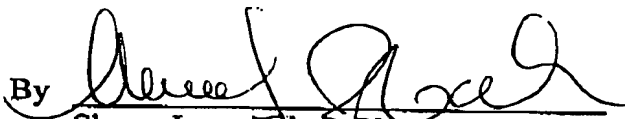
**Remarks**

By this amendment the specification has been updated to reflect prior related applications, and to insert the abstract on a separate page.

No new matter has been added by this amendment.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Sheree Lynn Rybak, Ph.D.  
Registration No. 47,913

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LMC/SLR:dm 04/12/05 369544

Express Mail Label No. EV514612465US  
Attorney Ref. No. 6682-66957-02**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **N-ACETYL-D-GLUCOSAMINE (NAG) SUPPLEMENTED FOOD PRODUCTS AND BEVERAGES**, the specification of which

- ☐ is attached hereto.
- ☐ was filed on \_\_\_\_\_ as United States Patent Application No. \_\_\_\_\_.
- ☒ was described and claimed in PCT International Application No. PCT/US03/34846, filed on 31 October 2003, and as amended under PCT Articles 19 on \_\_\_\_\_ (if applicable).
- ☐ and was amended on \_\_\_\_\_ (if applicable).
- ☐ with amendments through \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56. If this is a continuation-in-part application filed under the conditions specified in 35 U.S.C. § 120 which discloses claims and subject matter in addition to that disclosed in the prior copending application, I further acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Number	Country	Day/Month/Year Filed	Claim Priority?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
60/423,119	01 November 2002

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LMC/SLR:dm 04/12/05 369544

Express Mail Label No. EV514612465US  
Attorney Ref. No. 6682-66957-02

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) or § 365(c) of any PCT international application(s) designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Filing Date	Status: patented, pending, abandoned
09/924,865	08 August 2001	Patented
PCT/US02/25121	07 August 2002	Pending

I hereby appoint the practitioners associated with the customer number provided below to prosecute this application, to file a corresponding international application, and to transact all business in the Patent and Trademark Office connected therewith:

### Customer Number 46395

I hereby grant the law firm of Klarquist Sparkman, LLP, the power to insert on this Combined Declaration and Power of Attorney any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for submitting this document.

Address all telephone calls to Paula A. DeGrandis at telephone number (952) 742-5402.

Address all correspondence to the address associated with **Customer Number 46395**, which address is:

Cargill, Incorporated  
15407 McGinty Road West  
Wayzata, Minnesota 55391  
U.S.A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

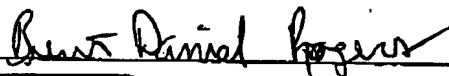
Name of First or Sole Inventor: Brent Daniel Rogers

Residence: Ottumwa, Iowa

Mailing Address: Cargill Acidulants, R&D  
One Cargill Drive  
Eddyville, IA 52553

Citizenship: United States of America

Inventor's Signature



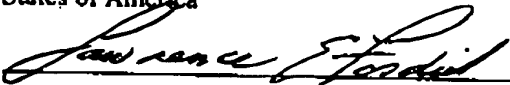
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4/18/05

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Attorney Ref. No. 6682-66957-02

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Inventor's Signature	
Date	4/21/2005

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Mailing Address:	472 East Rochester Ottumwa, Iowa 52501
Citizenship:	United States of America
Inventor's Signature	
Date	26 April 05

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